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VIA ECF

UNDER SEAL

Hon. Gregory H. Woods  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

## MEMORANDUM ENDORSED

**Re: United States v. Otoniel Burgos, 19 Cr. 306 (GHW)**

Dear Judge Woods:

I write to request an extension of Mr. Burgos' self-surrender date that is currently scheduled for April 1, 2021. The reasons for this request are three-fold: (1) he has not yet been designated; (2) he has not received a COVID-19 vaccination (he has [REDACTED] – see Exhibit A); and (3) the due date for the birth of his child has been estimated for [REDACTED] – see Exhibit B (the original reason he was permitted to delay his surrender date).

To date, Mr. Burgos has not yet been designated to a facility. As such, he has been unable to prepare for his turn-in, which for reasons that we will discuss in the next two paragraphs, is important. In any event, and in full transparency, Mr. Burgos intends to exercise his right to request release under 18 U.S.C. 3582 to the facility warden, and subsequently (assuming it is denied) request relief from this Court for multiple reasons. As a result, we ask that the surrender date be extended.

Mr. Burgos also suffers from [REDACTED]. That makes him extremely high risk for severe COVID-19 complications. He has not yet been vaccinated, and fairness and safety dictate that Mr. Burgos should be vaccinated before reporting to prison, particularly an unknown prison where levels of COVID are not known.

Finally, the primary reason the self-surrender was originally delayed was to allow Mr. Burgos to be present for the birth of his child and the first days thereafter. Since sentencing, the due date has been redated based on further scans to [REDACTED]. As a result, we maintain our request that Mr. Burgos be permitted to be present for the birth of his first child and to assist in getting the family settled for a couple of weeks thereafter.

Based on these reasons, we ask that this Honorable Court extend Mr. Burgos surrender date to May 15, 2021.

Thank you for considering this request.

Application granted. Mr. Burgos' surrender date is extended to June 1, 2021.

[REDACTED] Mr. Burgos should not expect further extensions of time. This extension provides ample time for Mr. Burgos to be vaccinated prior to his surrender date if he chooses to do so. There is insufficient basis for this letter to be filed under seal in its entirety. Counsel may request leave to redact references to selected medical information. Any request to do so must be filed no later than March 26, 2021.

SO ORDERED

March 19, 2021

GREGORY H. WOODS  
United States District Judge

Sincerely,

**MICHELMAN & ROBINSON, LLP**

*s/Bradley L. Henry*

Bradley L. Henry